

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARLOS MEDRANO, DANIEL MEDRANO,
JONNY LOPEZ, CARLOS RAMIREZ,
JOSE GUADALUP PEREZ, JUAN CARLOS
MEDRANO, MARCELO HERNANDEZ and
JORGE LARA, on behalf of themselves
and others similarly situated,

Plaintiffs,

v.

ALANIZ GROUP, INC.; MIGUEL ALFARO-
ALANIZ; and ROGELIO ALANIZ,

Defendants.

Case No. 11-C-1915

Hon. Judge John F. Grady
Magistrate Judge Jeffrey T. Gilbert

**MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT ALANIZ GROUP, INC.**

Pursuant to Rule 55 of the Rules of Civil Procedure, Plaintiffs hereby move for entry of default against Defendant Alaniz Group, Inc., and state as good grounds therefore:

1. This is a wage and hour collective action seeking the recovery of unpaid wages, unlawful deductions and other relief arising from Defendants' unlawful employment practices. Defendant Alaniz Group, Inc. is a landscaping, landscaping construction, and snow removal company. Plaintiffs were employed as landscape, landscape construction, and snow removal laborers and were subjected to Defendants' unlawful pay practices, including the practices of: (1) paying a "fixed" daily wage, in violation of the workers' rights to minimum, overtime, and prevailing wages; and (2) taking unlawful deductions from the workers' pay. Plaintiffs' claims arise under the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.*; the Illinois Minimum Wage Law, 820 ILCS 150/1 *et seq.*; the Illinois Prevailing Wage Act, 820 ILCS 130/1 *et. seq.*; and the Illinois Wage Payment and Collection Act, 820 115/1 *et seq.*

2. On March 18, 2011, the Plaintiffs filed this action. (Doc. 1).
3. On April 8, 2011, the Plaintiffs filed a Motion To Proceed as a Collective Action. (Doc. 10). This Motion was granted on May 11, 2011. (Doc. 21). Additionally, the Court tolled the statute of limitations on the counts brought under the Fair Labor Standards Act and other statutes through the expiration of the 120-day opt-in period. Id.
4. On May 3, 2011, Attorney Burr Anderson filed his appearance on behalf of all of the Defendants. (Doc. 18).
5. On May 12, 2011, the Defendants filed their Answer. (Doc. 20).
6. On June 14, 2011, Attorney Anderson filed a Motion To Withdraw as counsel for the Defendants. (Doc. 22).
7. On June 29, 2011, the Court granted Attorney Anderson leave to withdraw as counsel for the Defendants. Additionally, the Court ordered the Defendants to notify counsel for the Plaintiffs and file with the Court the appearance of substitute counsel or a notice of the address at which the individual defendants could be served personally by July 20, 2011.
8. As of the date of the filing of this motion, Defendants have not filed with the Court the appearance of substitute counsel nor have they filed a notice of the address at which the individual defendants could be served personally. Defendants have also failed to notify counsel for Plaintiffs of the address at which the individual defendants could be served personally. Thus, the Defendants are in contempt of the June 29th Order.
9. It is a well-established rule that corporations cannot appear pro se. Scandia Down Corp. v. Euroquilt, Inc., 772 F.2d 1423, 1427 (7th Cir.1985), (“A corporation is an abstraction, and abstractions cannot appear pro se).

10. Having no appearance on file and having violated the June 29th Court Order, Alaniz Group, Inc. is now in default.

WHEREFORE, Plaintiffs pray that a default order be entered against Alaniz Group, Inc. and that a judgment be entered against the same.

Dated: July 25, 2011

Respectfully submitted,

/s/ Jose J. Alonso

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Jose J. Alonso, an attorney for Carlos Medrano, Daniel Medrano, and Jonny Lopez , certify that I caused copies of the foregoing document to be served on Defendants Alaniz Landscaping, Inc., Miguel Alfaro-Alaniz, and Rogelio Alaniz by sending mailing copies via USPS First Class Mail to 1525 E. Chicago Street, Elgin, IL 60120, this 25th day of July, 2011.

/s/ Jose J. Alonso

Jose J. Alonso